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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

LAURA PETERS,

CASE NO.: 2:19-cv-00874-GMN-EJY

v. Plaintiffs,

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES**

SWIFT TRANSPORTATION CO. OF ARIZONA, LLC; DOE DRIVER; DOES I through XX, inclusive; and ROE BUSIENSS ENTITIES I through XX, inclusive.

(Third Request)

Defendants.

IT IS HEREBY STIPULATED by and between Plaintiff, LAURA PETERS, through her attorney, RAMZY PAUL LADAH, ESQ. of the law firm of LADAH LAW FIRM, and Defendant, SWIFT TRANSPORTATION CO. OF ARIZONA, LLC, through its attorneys MELISSA J. ROOSE, ESQ. and CARISSA CHRISTENSEN, ESQ. of the law firm of RESNICK & LOUIS, P.C., that good cause existing, discovery in this matter shall be extended an additional ninety (90) days for the purpose of completing the discovery described herein. Pursuant to LR 26-4, the parties offer the following in support of the stipulation to extend discovery:

I. DISCOVERY WHICH HAS BEEN COMPLETED:

1. Plaintiff's Initial FRCP 26(a) disclosures and supplements thereto;

2. Defendant's Initial FRCP 26(a) disclosures and supplements thereto;
 3. Defendant's Requests for Production of Documents and Interrogatories;
 4. Plaintiff's Responses to Defendant's Requests for Production and Interrogatories;
 5. Plaintiff's Requests for Production of Documents and Interrogatories;
 6. Independent Medical Examination of Plaintiff;
 7. Disclosure of Plaintiff's biomedical/biomechanical expert, neurosurgeon expert, orthopedic surgeon, and economist; and
 8. Disclosure of Dr. Montesano's report regarding the Independent Medical Examination of Plaintiff.

II. DEPOSITIONS TAKEN TO DATE

1. None.

III. DISCOVERY THAT REMAINS TO BE COMPLETED

1. Deposition of Plaintiff;
 2. Depositions of Plaintiff's treating physicians;
 3. Disclosure of remaining experts;
 4. Disclosure of rebuttal experts; and
 5. Depositions of the parties' respective experts (10+ depositions expected).

The parties anticipate that they may need to conduct other forms of discovery, though not specifically delineated herein, and anticipate doing so only on an as-needed basis.

**IV. REASONS DISCOVERY WAS NOT COMPLETED WITHIN THE TIME LIMITS
AND NEEDS TO BE EXTENDED**

The parties have been diligently working on this matter and have made significant progress to posture this case for potential resolution. To that end, the parties originally scheduled mediation for March 24, 2020 at JAMS, but this date was cancelled by JAMS due to the COVID-19 pandemic. As such, the parties had to reschedule the mediation to June 15, 2020 and proceeded pursuant to social distancing restrictions. The parties were unable to reach a settlement at this first mediation; however, the parties gained significant insight into their respective positions and agreed to continue settlement negotiations at a second mediation

1 set for September 11, 2020 at JAMS.

2 Please note there have also been other circumstances beyond the control of the parties,
 3 such as various scheduling need for Plaintiff to proceed with multiple surgeries and other
 4 pandemic related events. To that end, on January 21, 2020, Plaintiff underwent a posterior
 5 lumbar interbody fusion at L3-4 and L4-5. Thereafter, Plaintiff continued her post-surgical
 6 intervention medical treatment after which all medical records and billing had to be obtained as
 7 relates thereto. Additionally, Plaintiff recently underwent a left shoulder arthroscopy with
 8 rotator cuff repair biceps tenodesis subacromial decompression, acromioplasty, and
 9 debridement on June 6, 2020 with Dr. Christopher Catapano at Smoke Ranch Surgery Center.
 10 Thereafter, the parties sought to obtain the medical records and billing related thereto for a full
 11 evaluation of the alleged injuries, treatment and damages at issue.

12 Defendant originally intended to schedule Plaintiff's in-person deposition after Plaintiff
 13 sufficiently recovered from her previous lumbar surgery to present for deposition; however,
 14 Governor Sisolak began issuing Declarations of Emergency Directives in response to the
 15 current COVID-19 pandemic which precluded the parties from conducting in person
 16 depositions at that time.

17 The parties submit that good cause exists to grant the extension of discovery as
 18 described herein because the full extent of Plaintiff's claimed damages are still changing and are
 19 not fully known at this time. To that end, Plaintiff recently served supplemental disclosures
 20 with expert reports delineating future medical treatment needs to include an additional shoulder
 21 surgery. There also remains the outstanding need for numerous party, percipient witness and
 22 experts depositions with many deponents residing out of state creating challenges with each
 23 state's respective travel limitations and quarantine restrictions due to the pandemic. Finally, the
 24 parties intend to continue their good faith efforts to diligently complete discovery to the extent
 25 necessary to posture this case for potential resolution, but preferably before incurring the
 26 significant time and expense of expert discovery.

27 The parties have met and conferred regarding the challenges and additional time needed
 28 to complete discovery and estimate an additional 90 days is required to fully complete

1 discovery, afford time to proceed with a second mediation, and if necessary, to prepare this
 2 matter to proceed to trial at an anticipated much later date in light of the delays and restrictions in
 3 place due to the COVID-19 pandemic.

4 **V. CURRENT DISCOVERY DEADLINES AND TRIAL DATE**

Event	Current Deadline	Proposed Deadline
Discovery Cutoff	10/07/2020	01/04/2021
Disclosure of Initial Experts	08/10/2020	11/09/2020
Rebuttal of Expert	09/08/2020	12/07/2021
Last Day to Amend Pleadings/Add Parties	01/10/2020	10/06/2020
Interim Status Report	08/10/2020	11/09/2020
Dispositive Motions	11/04/2020	02/04/2021
Pretrial Order	12/02/2020	03/01/2021

12 The pretrial order deadline is suspended if the dispositive motions are timely filed. The
 13 disclosures required by FRCP 26(a)(3) shall be made in the joint pretrial order.

14 **VII. CURRENT TRIAL DATE**

15 This case is not currently set for trial.

17 DATED this 24th day of July, 2020.

18 **LADAH LAW FIRM**

19 /s/ *Ramzy P. Lada*

20 Ramzy Paul Lada, Esq., SBN: 11405
 21 517 S. Third Street
 22 Las Vegas, NV 89101
Attorneys for Plaintiff
Laura Peters

DATED this 24th day of July, 2020.

RESNICK & LOUIS, P.C.

/s/ *Carissa Christensen*

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Swift Transportation Co. of Arizona, LLC

1 Peters v. Swift Transportation Co. of Arizona, LLC

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2 SAO To Extend Discovery Deadlines (*Third Request*)

3

4 **ORDER**

5 Pursuant to the above Stipulation,

6 **IT IS ORDERED ADJUDGED AND DECREED** as follows:

7 The discovery deadlines will be extended as agreed to by the parties herein.

8 DATED this 27th day of July, 2020

9

10 
11 Layna J. Zouchah
12 UNITED STATES MAGISTRATE JUDGE

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14 Respectfully submitted by:

15 **RESNICK & LOUIS, P.C.**

16
17 /s/ *Carissa Christensen*

18 _____
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